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PTO/SB/64 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
07487

First named inventor: Michael D. Miller

Application No.: 10/020,739

Art Unit: 3724

Filed: 12/18/2001

Examiner: Douglas D. Watts

Title: IMPROVED UNIVERSAL FORK

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Exam & Preliminary Amendment (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

05/01/2007 MGE BREH1 00000046 10020739

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453

750.00 DP

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] * (See Attached)

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

[Signature]
Signature

4/26/2007
Date

ROBERT O. BLINN
Typed or printed name

36,751
Registration Number, if applicable

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316-263-6400
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Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

4/26/2007
Date

[Signature]
Signature

Robert O. Blinn
Typed or printed name of person signing certificate



Appl. No. : 10/020,739
Title : Improved Universal Fork
Applicant : Michael D. Miller
Filed : 12/18/2001
TC/A.U. : 3724
Examiner : Douglas D. Watts

Docket No. : 07487

**Petition for Revival of an Application for Patent Abandoned Unintentionally under
37 CFR 1.137(b)**

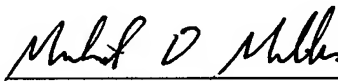
Additional Statement by Applicant

Applicant Michael D. Miller hereby states that:

I, Michael D. Miller first became aware no earlier than February 8, 2007 that my application for patent, US Patent Office Ser. No. 10/020,739 (hereafter my patent application) had been abandoned.

Prior to February 8, 2007, I instructed Mr. Bradley Sylvester (Registration Number 36,944) to answer any office actions in connection with my patent application and to obtain a patent for my invention. At no point did I indicate to Mr. Sylvester that abandoning the application was an acceptable course of action. In an effort to learn the status of my patent application, I made numerous attempts to call Mr. Sylvester by telephone and to meet Mr. Sylvester prior to February 8, 2007. Mr. Sylvester did not return my phone calls or attend scheduled meetings with me and did not inform me of the status of my patent application. After these unsuccessful attempts to communicate with Mr. Sylvester, I retained another attorney, Mr. A. James Gillmore of Newton, Kansas to investigate the status of my application. My understanding is that Mr. Gillmore was able to obtain the file of my patent application from the office of Mr. Sylvester on February 8, 2007. When Mr. Gillmore obtained the file, I was able to learn my patent application had been abandoned. Sometime after February 8, 2007, I also learned that Mr. Sylvester was suspended from practicing before the US Patent Office sometime prior to 27 October 2006.

Respectfully Submitted,


Michael D. Miller

4/26/07
Date